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Remarks

Claims 1-5 and 7-11 are pending in this action. Claims 1, 7, 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato et al. (United States Patent No. 6,082,761) in view of Van Buren, Jr. et al. (United States Patent No. 4,610,588). Claims 2-5, 9 and 11 are objected to but would be allowable if rewritten.

Rejections under Section 103(a): Kato et al. in view of Van Buren, Jr. et al.

The Examiner rejects claims 1, 7, 8 and 10 under Section 103(a) as being unpatentable over Kato et al. in view of Van Buren, Jr. et al. One skilled in the art would have no motivation to use the teachings of Van Buren, Jr. et al. to modify Kato et al. as set forth by the Examiner.

The Examiner admits that "Kato et al. do not disclose the snap-in clip being permanently attachable to the roof rail and selectively attachable to the cushion retention tab, the snap-in clip including a fastening portion, or a removable serviceability attachment feature," as required by claim 1. Accordingly, the Examiner relies upon Van Buren et al. to find:

Snap-in clip (including retainer clip #A) able to be permanently attached to the roof rail (via #36a, 36b) and selectively attached to the air bag mounting portion (for example, via legs #12, 14), and including a fastening portion (including #16)[.]
(Office Action, page 3)

Furthermore, the Examiner finds that Van Buren et al.'s assembly includes:

Removable serviceability attachment feature (for example, including fastener #B) able to attach a second vehicle component (for example, including second workpiece #D) to the snap-in clip by fastening the serviceability attachment feature to the fastening portion of the snap-in clip (best seen in figure 1, 3; columns 5-6), and able to selectively detach the second vehicle component from the snap-in clip for removal of the

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second vehicle component by removing the serviceability attachment feature from the fastening portion of the snap-in clip (for example, fastener can be removed by using the same driving tool on slot #48 as is used during the assembly process)[.]

The Examiner further finds that Van Buren provides:

Installation of the second vehicle component to the vehicle is accomplished by inserting the snap-in clip into the first vehicle component (best seen in figures 1, 4; columns 3-6)[.]

The analogous arguments that Applicant provided in the response filed 26 September 2005 with respect to a snap-in clip with a removable serviceability attachment feature as taught in Dickinson et al. clearly apply with respect to the snap-in clip with a removable serviceability attachment feature as taught in Van Buren et al. Although Dickinson was removed as a reference, the analogous arguments presented in the previous response should have been taken account with respect to the newly introduced Van Buren reference and are clearly not moot.

The snap-in clip with a removable serviceability attachment feature such as taught in Van Buren et al. would never be used in place of Kato et al.'s clip 24, as clip 24 is clearly not accessible. As shown in Kato et al.'s Figure 3, the mounting portion 30a of closure 30 prevents access to the clip 24. In the view of Figure 4, taken at a different cross-sectional location, clip 24 is surrounded by mounting portion 32a. Nothing short of destroying mounting portions 30a, 32a will allow access to the clips 24. Accordingly, if Van Buren et al.'s snap-in clip A were used in place of Kato et al.'s clip 24, it would be impossible to fasten or remove Van Buren et al.'s fastener B (or if any snap-in clip with serviceability attachment feature were used for that matter, it would be impossible to fasten or remove the serviceability attachment feature). It is well accepted that if the proposed modifications or combinations of the prior art would change the principle of operation of the prior art invention being modified, then the teachings are not sufficient to render the claims *prima facie* obvious. MPEP 2143.01; discussing *in re Ratti*, 270 F.2d 810, 813; 123 USPQ 349, 352 (CCPA 1959) where an obviousness rejection was reversed

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because the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." Thus, because Van Buren et al.'s snap-in clip A and serviceability attachment feature B is rendered unsatisfactory for its intended purpose (i.e., the serviceability attachment feature B is rendered useless because it is inaccessible) if used with Kato et al.'s air bag module, the rejection under Section 103(a) of claims 1, 7, 8 and 10 over Kato et al. in view of Van Buren et al. is improper.

The showing of a suggestion or motivation must be clear and particular. See, e.g., *C.R. Bard*, 157 F.3d at 1352, 48 USPQ2d at 1232. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." E.g., *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993) ("Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact."); *In re Sichert*, 566 F.2d 1154, 1164, 196 USPQ 209, 217 (CCPA 1977).

Accordingly, for at least this reason, the rejection under Section 103(a) of independent claims 1, 7 and 10 is improper. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988). Thus, the rejection of claim 8, which depends from claim 7, is improper as well. Applicant requests that the rejection be withdrawn and the claims be deemed allowable.

Allowable Subject Matter

Claims 2-5, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims. Applicant appreciates the indicated allowability of these claims, but based on the remarks above, Applicant believes that all claims are allowable.


Conclusion

This paper is believed to be fully responsive to the Final Office Action mailed April 11, 2006. The remarks in support of the rejected claims are believed to place remaining independent claims 1, 7 and 10, as well as claims 2- 5, 8-9 and 11, which respectively depend therefrom, in condition for allowance, which action is requested.

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No additional fee is believed to be due. However, please charge any fees that may be associated with this paper to deposit account 07-0960.

Respectfully submitted



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